Thanks to Lewis Strauss, Nuclear Warfare Grows Ever More Salubrious, See Page 2

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Our Own (Exclusive) Explanation of the Nixon Mixup

The problem which tantalizes us political scientists here in Washington is trying to determine just who *is* President. Some days it seems to be Hagerty. Other days it seems to be Sherman Adams. Occasionally Leonard Hall acts as if he were the leader of the Administration as well as the party. The armed forces keep complaining that the Secretary of the Treasury has taken over, and several times the man at the desk in the Executive Mansion has clearly been Herbert Brownell. Eisenhower himself turns up on the more ceremonial occasions, when he is in town.

All this leads us to suspect that the real explanation of the Nixon mixup is that Stassen must have consulted Eisenhower on one of those days on which somebody else was President, probably Hagerty. This seems to us a much more plausible hypothesis than that advanced by our distinguished colleague, John O'Donnell in last Wednesday's *Daily News*. "Probably," O'Donnell wrote, "as those closest to Ike in the Cabinet and on Capitol Hill now insist, the President realized that he had made an error last Friday when Stassen told him that he was going to urge Herter as a replacement for Nixon. . . ." We believe the error was Stassen's; he just didn't notice that the little brass plate bearing the legend "Mr. President" was on one of the desks in the outer lobby that day.

The effect on the average voter, who tends to be old-fashioned, may be unsettling. Untrained in philosophical abstractions and unable to grasp the advantages of a pluralistic approach to the Presidency, he may feel it would be safer just to elect one man to the job in November and have done with it. Herter's reaction to Stassen's nomination may help further to confuse and disaffect him. Not only do none of these Republican Presidents, all nominally Eisenhower, seem to know how to run their own official family, but now this fellow Herter seems to be getting ready to run for Vice President by nominating Nixon for the job. And wasn't there something in the papers about Nixon reciprocating by nominating Herter in return? It's bad enough not to be quite sure at any given hour just who is President, but what if come November we were no longer sure who was Vice President either? We predict that this will make votes for the Democrats, and that Stassen by November will look prophetic, though a successful prediction of Republican defeat may not endear him at last to the party machine.

How the House Passed and the Senate Buried the Civil Rights Bill

Rarely has the cause of civilization been so warmly defended as in the week of debate during which the House passed the Administration's civil rights bill. Mr. Colmer of Mississippi struck the keynote at the very start when he said he harbored no hatred for "my colored brother" but it was impossible by legislative enactment "to place overnight a race of people, who until a few generations ago were unenlightened human beings, running wild in the jungles of Africa, on an equal plane with another race of people who for thousands of years have enjoyed the benefits of civilization, education, culture and Christianity." Could we have been transplanted (like Walter Mitty) to the House floor at that moment, we would have asked the gentleman from Mississippi courteously to yield so that we might supplement his learned argument by pointing out, as a prime example, that these poor benighted heathens, until they came to our hospitable shores, had never even heard of lynching. Theirs was a stone age culture, suh, which knew neither rope nor faggot.

Southern tools and technology also figured in the debate, when Mr. Haley of Florida protested the amount of time spent discussing "the unsolved murder of a couple of members of the NAACP" in his State whose home had been blown up. "No mention is made," Mr. Haley said indignantly, "that it is a fact that the use of a bomb as a murder weapon is alien to the people of the South." Southern members felt that the South's critics were unwilling to consider such evidence fairly. They saw their civil liberties endangered by the new commission the bill would have set up to investigate racial discrimination, and they began to sound like a Carnegie Hall rally. Mr. Bennett of Florida feared "a witch hunt atmosphere." Mr. Lanham of Georgia declared, "We could be jailed . . . at the instigation of faceless informers." Mr. Rains of Alabama warned that "a politically minded partisan Attorney General" could punish a man for "political opinion," undermining "freedom of thought." Mr. Dies said the proposed Commission could investigate mere "allegations." In anguish Mr. Dies cried out, "I am shocked that the ADA is not here opposing this measure and that the Civil Liberties Union is not here opposing it." Mr. Celler of Brooklyn, who performed with devotion the thankless task of piloting the bill through the House, must have been startled to discover that Martin Dies was so passionate about the Bill of Rights.

Both sides in the debate leaned heavily on Marxism-Leninism. There were moments when Southern members seemed to imply that Brownell wrote the bill on instructions from the Kremlin. "Suppose," argued Mr. Dorn of South Carolina, "we pass this bill and do everything else that Communist Russia says we must do . . .?" Mr. Shelley of San Francisco, as an old A.F. of L. man, skilled in such casuistry, said that on the contrary all the world would see that "the message contained in these documents offers a greater chance for a better life than

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Nuclear Warfare Grows Even More Humane

Unlike the gentle rain from heaven, which falls on just and unjust alike, radioactive fallout is becoming selective. A triumphant announcement by Chairman Strauss of the Atomic Energy Commission implies that thanks to a new advance in science, nuclear weapons may be used to harm our enemies without hurting our friends. As one enthusiastic Washington correspondent (Don Whitehead of the New York *Herald-Tribune*) put it, nuclear weapons have become "even more selective."

This announcement was intended to reassure our friends in Western Europe, alarmed by recent estimates that if the wind shifted after an attack on Soviet Russia several millions of them would die, too. (But not every one of them, however, which is perhaps what Mr. Whitehead had in mind when he said "even more selective.").

But what of the people who live in the Soviet bloc, with whom we have no quarrel, who are indeed just waiting for the H-bomb to liberate them? The next discovery, just one short step ahead, should be an *even* more selective weapon, one which will unerringly drop its deadly dew on Communists alone, humanely sparing the rest of the population.

Nor can science in its universal benevolence stop here. Since no technical advance can remain a secret long, we may expect Mosow to come up soon after with a similarly selective weapon, but with the screw turned in the other direction, so that it will harm capitalists and counter revolutionaries but not the party faithful or the workers patiently waiting to rid themselves of Wall Street's yoke.

Neither side of course can be sure that such weapons will work exactly as advertised until tried. We shall have to wait hopefully and see what happens. How, indeed, can we ever be sure that the right agonies happened to the right people? Perhaps a pragmatic test will have to be applied, as in the medieval ordeal by water and fire. If the judges held the old lady underwater for half an hour and she came up smiling, or if she was pushed through the fire and emerged unsinged, she was automatically cleared of witchcraft. We suppose that after the next war those who survive may be regarded by the victors as having sufficiently proven their political reliability. Nuclear warfare is growing so humane, we can hardly wait.

"All I Am I Owe To My—Security Officer"

The average American used to think the Bill of Rights or the Constitution or the Public School or Motherhood the cornerstone of our country's strength. At page 169 of the report on the Federal security program by a Senate Post Office and Civil Service subcommittee we read, "The personnel security officer is the cornerstone of our Nation's effort to remain strong and free." We half expected the subcommittee to add sentimentally, "The hand that rocks the nation's security risks rocks the nation's cradles."

The cradle, too, has become hazardous, since a child's future right to a Federal job may depend on what organizations his parents join. On page 194 of the same report, we came across a very constructive proposal. "After the man passes the all-important age of 21 years," one witness suggested, "he can hardly be held accountable for his parents' actions, can he?" The new rule, we take it, would make a child responsible for subversive affiliation by its parents only until it reached the age of 21. After that, Ma and Pa would be on their own.

Only 4,372,393 Killed and 1,698,293 Injured in New York City

The beneficial effects of the Strauss announcement were not fully appreciated until the following day, when the nation's third annual civil defense exercises were held. In the New York City area only 4,372,393 people were killed and 1,698,293 injured. If it had not been for the Strauss announcement, "hypothetical casualties would have been larger." Fortunately the tests were "cued", as the press reported, to the new AEC policy statement "minimizing the effects of radioactive fallout." Major General Robert E. Condon, New York City's civil defense director, explained that otherwise "both civil defense workers and the surviving population would have to remain in shelters until the radiation wore off." Just how many days or weeks this might take was not explained, nor how the survivors were to be fed during this period. We suggest that on the eve of next year's tests Chairman Strauss issue a supplementary policy statement, permitting Schrafft's to fill telephone orders for hot luncheons during and after nuclear attacks.

For a city which was disrupted only a few day earlier by one teeny little fire at Wanamaker's, New York City came through the attack with flying colors; even the IRT was running on time a few minutes after it was over. The test, according to one account, "was pronounced an unqualified success by city, state and national civil defense officials." At Washington Square a 15-man police detail and two police vans were waiting to arrest 19 "professed" Pacifists (the adjective suggests that perhaps they were arrested because the authorities doubted their sincerity) and Bellevue Hospital had two additional ambulances standing by, which must have cheered the hypothetical 1,698,293 injured no end. One encouraging sign of technological progress in this year's test was the ability of the authorities within minutes of the attack to supply the newspapers with figures on the dead and injured which were exact down to the last digit.

Here in Washington, at the very nerve center of the nation, nothing was left undone to meet the emergency. The President held an expanded National Security Council meeting "devoted entirely to discussion of the test," although it was thoughtfully assumed that Washington had been evacuated before it was devastated. Later in the evening, after it was seen how successfully the test had been met, Admiral Radford flew off to the Far East where he will confer with Chiang Kai-shek, secure in the knowledge that if the worst happens our own civil defense is in well-oiled working order.

That night, perhaps as a result of eating a welsh rarebit affected by radioactive fallout, we dreamt that President Eisenhower had gone on the air after the test. We heard him say, "My fellow countrymen, I speak to you as a soldier. This test shows that a new world conflict would not be war, but a planetary Maidanek, a crematorium that would burn up most of mankind. There is now no alternative to co-existence, and we who call ourselves Christian must purge our hearts of hate. This is the only civil defense—" but at this point we woke up in a cold sweat, alarmed at the subversive thoughts lurking in our unconscious.

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Should A Secret Police Chief Take A Hand In Molding Foreign Policy?

J. Edgar Hoover, in TV Debut, Joins in Attack on Fund for The Republic

One of the events of the week was Mr. J. Edgar Hoover's first televised news interview. In nearly 44 years of government service, Mr. Hoover has rarely been interviewed over any medium, though he has often written articles for publication. He appeared on Congressman Kenneth B. Keating's (R., N.Y.) regular Sunday TV program for six upstate New York stations. The interview deserves attention on 3 counts:

1. Mr. Hoover went on TV to declare that he saw no improved prospects for peace in the new policies of the Kremlin. We believe it highly improper for the head of the FBI to move in on the Secretary of State, to give interviews on foreign policy, and to make propaganda for a point of view which undercuts the President's search for peace. It seems to us elementary that a secret police chief ought to keep out of politics. The atmosphere is already such that to disagree with the FBI chief is hazardous, and few commentators will dare to criticize this foray into foreign policy, though many will be struck by its impropriety.

2. Mr. Hoover followed his attack on the Kremlin with a defense of the FBI's right to use secret informers in dealing with security, "subversion" and the politically suspect. This revealed a curious incapacity to see the mote in his own eye. Mr. Hoover criticizes Krushchev as a man who served Stalin for 26 years and was in charge of some of his worst purges. We share the low opinion of Krushchev but these purges were made possible by the use in Russia of practices to which the FBI and its sounding boards in Congress have begun to acclimate the American people: the identification of political opposition with crime, the prosecution of opinion, the abandonment of overt act as the standard of proof, the reliance on vague charges of conspiracy as in the Smith Act cases, the relegation of dissidents to an outcast status, the use in security hearings of secret informers whom one has no right to confront and cross-examine. It was the supremacy of the secret police which bred the evils of the Soviet regime; it was a philosophy which placed the security of the State above the rights of the individual. But Mr. Hoover and his supporters are spreading the same noxious ideas in America; for them, too, "security" not liberty or justice is god.

3. In the most cautious and conservative circles there is now agreement that the use of secret informers has often led to injustice in security cases, and that at least where the source is little better than neighborhood or office gossip, anonymity should not be allowed because it may invite malice and encourage careless accusation. There are misgivings at the spread of the security miasma beyond government and sensitive positions into the arts and professions. Ex-FBI men flourish in the new businesses of "listing", clearance and industrial security sifting. Under the circumstances one might have expected Mr. Hoover to use his first TV appearance seriously to discuss recent criticism, perhaps to admit some past excesses, or to disassociate himself and his organization from the abuses of blacklisting. Instead, all he did was to "hit back at such critics of his use of alleged 'faceless informers' as the Fund for the Republic which he said refused to divulge the sources of some of its information before a Congressional committee." The analogy is spurious but the "public relations" effect is clear enough. It adds the weight of the FBI's prestige to the campaign against the Fund for the Republic. The House Committee on Un-American Activities is out to make it so uncomfortable for John Cogley, who wrote that report, and for Robert Hutchins, who had the temerity to finance it, as to intimidate other respectable organizations and foundations; to make them afraid to challenge witchhunt, blacklist and faceless informers. Mr. Hoover used his first TV appearance to chime in.

New York's Highest Court Decides *Red Channels* Engaged in 'Fair Comment'

The unfairness of the blacklist and the bias of the courts may be seen in the unfavorable decision which has just ended Joe Julian's libel suit against American Business Consultants, Inc., publishers of *Red Channels*. The 7-2 decision against him by the New York State highest tribunal, its Court of Appeals, has been given scant attention in the press.

Julian is a gifted radio-TV writer and actor who had the misfortune to be given two listings in *Red Channels*, one for a recitation at a Second Front rally in October, 1942, the other —but this one we must give in the full flavor of the original —"Attended meeting to abolish House Un-American Activities Committee, Hotel Commodore, New York City, 1/9/46. New York Journal-American, 10/30/48."

The truth of these two "allegations" were admitted in Julian's suit. He asked for damages on the ground that his listing "created the impression" that he was a "Communist, sympathizer, dupe, tool . . ." and hurt his earning power.

The trial judge granted a motion to dismiss. Julian appealed on the ground that the case should have gone to the jury. The Court of Appeals held that since Julian admitted the truth of the "listings" the rest was "fair comment."

Julian's lawyer, the late Arthur Garfield Hays, filed a similar suit 30 years ago against a pamphlet which tried to link third party La Follette supporters with a Communist conspiracy. He lost and that old decision (*252 NY 266*) turned up against him now, though the 1926 case did not involve a firm engaged in blacklisting.

When Judge Burke's decision is laid beside Judge Fuld's dissent, it is hard to believe they are discussing the same case. Did Julian suffer financially? Burke says that in 1950-54 "the plaintiff appeared on all four major networks." Judge Fuld says after *Red Channels* appeared in 1950 Julian's income fell from $17,000 a year to $1,630 in 1953.

Were the authors of *Red Channels* careless in making their compilation? Burke did not think so despite what he called "evidence of an admission made by one of the defendants that the book was not perfect." Fuld: ". . . although the introduction emphasized that the publishers had taken care to note any 'anti-Communist action or condemnation of Communism . . . made by an individual mentioned in the . . . report' . . . no such notation was made . . . despite the fact that he [Julian] had taken a leading role in a well-publicized anti-Communist play."

Are the publishers of *Red Channels* entitled to the same privileges as a newspaper? "Proof that the reporters are in a profit making venture is not proof of malice," Burke said. "Newspapers and magazines are profit making ventures." But Fuld argued, ". . . the particular circumstances of this case bring into play a much stricter standard of liability. The charge here in question was made of a radio and television performer in a booklet directed to management to be used as a guide in screening personnel in the industry . . . [and] because of the industry's widespread practice of not hiring anyone listed in *Red Channels*."

There is a rich vein of humor in the Burke decision. After summarizing the claim in *Red Channels* that Communists monopolize the entertainment industry and reward their supporters with stardom, Judge Burke says "the described secret discrimination, if it exists, is the rankest type of bigotry and intolerance." Whimsy: "Free speech," he says at another point, "is not the sole property of special classes of our people, such as radical or liberal dissenters." Dry wit: "To characterize the defendant's political activities [in *Red Channels*] . . . is not to determine his professional fitness for employment, it is mere opinion." They'll be chuckling over that one for many a day along Madison Avenue.

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(*Continued from Page One*)

the false dogmas proclaimed by the teachings of Marxism-Leninism." By a skilful riposte, the South unmasked these hollow sophistries. An innocent little amendment was offered by Mr. Fountain of North Carolina to "bar investigations of allegations by Communists or other disloyal persons." This would merely have required the Commission in each case first to investigate the loyalty of the complainant. It was voted down, thus confirming the South's suspicions. Its representatives over and over again termed the bill a "rape" of State sovereignty. The reiteration of the word would have fascinated a psychoanalyst, and began to make the bill seem somehow an affront to white Southern womanhood.

Everyone realized, of course, that in a way this was only good clean fun because the bill would never pass the Senate. One spoilsport, a Congresswoman from St. Louis, a Mrs. Sullivan, even objected on the last day of the debate that when after four years "these few crumbs of legislation" had finally reached the floor, they were "made into a subject of great humor and levity. There is nothing funny, Mr. Speaker," she protested, "about the deprivation of civil rights. Civil rights to some Americans means the right to live."

But when Lehman of New York next day in the Senate vainly tried (with help only from Douglas and Hennings) to move a resolution discharging Eastland's Judiciary Committee from the civil rights bill it had been bottling up all session, Lyndon Johnson of Texas could not resist a little more "funning," as the Southern locution has it. A Senator, he lectured Lehman, "cannot reach up and get one out of the sky, and say, 'Here is one [bill] I have heard of that no committee has considered or reported.' " You just can't up and do that under the Senate rules.

Dropped—For Devotion to Justice

When President Truman appointed a liberal Republican, Charles La Follette of Indiana, to the Subversive Activities Control Board, the Senate refused to confirm him. When another SACB member unexpectedly turned into a liberal, President Eisenhower refused to reappoint him. This is the perspective in which to view Harry Cain's "resignation." The letter by Cain so hastily released by the White House last week was not so much a resignation as a request to know whether he would be reappointed. "Mindful," Cain wrote, "that it was a fixed term to which you named me . . . I hereby offer my resignation . . . *effective August 9 . . . should you wish my assignment* then to expire." Eisenhower's reply was a rapid fire "here's your hat, what's your hurry?" If Ike cared at all about fair play for government employes, he would have reappointed Cain and made him an adviser on security reform. Cain by now probably knows more than any other single man in Washington about the cruelties and abuses of the system; he has generously aided dozens of persons. We salute in Harry Cain a man dropped for his courage and integrity, a man whose passionate search for justice in the past few years has been in the best American tradition. We wish the good people of the State of Washington would send him back here as a Senator.

Revolt in The House, Sparked by Marilyn

For the first time in many years there has been a revolt in the House against a contempt recommendation by the Un-American Activities Committee. The roll call demanded and the nine votes cast against the citation of Arthur Miller may seem pigmy gestures but to those who know the mob spirit of the House, especially as adjournment nears, they are a portent of trouble for Chairman Walter and his colleagues. We are sorry there was no roll call on the seven others cited, including Einstein's executor, Dr. Otto Nathan. Apparently Marilyn's curves are more potent in our politics than those of Einstein. These two citations are welcome as test cases certain to attract a maximum of attention. The headline-hungry Committee, in latching on to a world famous honeymoon, made a mistake. The issues posed by Miller's refusal to name names will prove as easy to grasp as calendar art. Marilyn Monroe has something the due process clause never had and the Miller contempt case may put the issues into practical politics at last. Is the test of a man's Americanism to be his readiness to betray his friends? Are Judas and the stoolpigeon to be the new models for American youth? Must Marilyn's husband go to jail if he refuses to "squeal"? As for Dr. Nathan, he took Einstein's position, and simply refused on principle (without citing the Fifth) to allow himself to be questioned about his political views. What business are they of Congress?

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